IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.5311 OF 2005

Shri Satish N. Mody..Petitioner
Versus
Union of India & Ors..Respondents

Mr. P. Janardhanan i/b.V.M. Doiphode & Co., for the Petitioner
Mr. V. Kantharia with Mr. Y.S. Bhate i/b. Dr. T.C. Kaushik for Respondent Nos. 1 to 3.
Mr. V.P. Patankar i/b.R.S. Apte for the respondent No.9.

CORAM: F.I. REBELLO &
DR. D.Y.CHANDRACHUD, JJ.
DATE : 24th January,2006

P.C.: . Rule. Heard forthwith. The Appellate Tribunal for Foreign Exchange, New Delhi by its order dated 15th February, 2005 had directed the petitioners to make a predeposit of 60% of the amount of penalty in Appeal No.1147 of 2004. The appellant who is the petitioner herein aggrieved by the said order has moved this Court. It is pointed out that a sum of Rs.2.00 lakhs has already been deposited.

2. Considering the fact that a party should not be denied a right of appeal, in our opinion the ends of justice would be met if the order dated 15th February, 2005 is varied to the extent that instead of 60% the appeal is heard if the petitioner within six weeks from today deposits a further amount of Rs.2.00 lakhs. In other words the predeposit would be worked out at Rs.4.00 lakhs. Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO, J.)

(DR. D.Y.CHANDRACHUD, J.)